

01-13-03 9200 #7

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EU110401200US, in an envelope addressed to: Commissioner for Patents, Washington, DC 20231, on the date shown below.

Dated: 01/09/2003

Signature: *Linda A. Bourg*

(Linda A. Bourg)

Docket No.: HO-P02416US0  
(PATENT)

JAN 09 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Robert Anderson, et al.

Application No.: 10/089,700

Group Art Unit: N/A

1645

Filed: October 2, 2000

Examiner: Not Yet Assigned

For: DIAGNOSIS OF COELIAC DISEASE USING  
A GLIADIN EPITOPE

PETITION UNDER 1.181(A) TO REQUEST TO WITHDRAW HOLDING OF  
ABANDONMENT

Commissioner for Patents  
Box DAC (Office of Petitions)  
Washington, DC 20231

Dear Sir:

Applicants respectfully request that the holding of abandonment on U.S. Application No. 10/089,700 be withdrawn.

Attorneys for Applicants did not receive a Notice to File Missing Parts. The date indicated on the Notice of Abandonment for the mailing date of a Notice to File Missing Parts in this application is May 29, 2002. Enclosed are summaries of the docketing records for the instant application. The receipt of the Notice to File Missing Parts is not indicated on the docketing records, nor are any actions related to the Notice to File Missing Parts indicated in the docketing records. Thus, since the Notice to File Missing Parts was not received and docketed, Applicants were unaware of a deadline in which to file the missing parts.

In order to advance prosecution in the instant application, Applicants herewith submit an executed Inventor Declaration. Applicants believe this is responsive to the Notice of Missing Parts.

Applicants respectfully request that the holding of abandonment be withdrawn in view of the above comments and enclosures. An action on the merits of all the claims and a

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 06-2375, under Order No. HO-P02416US0 from which the undersigned is authorized to draw.

Dated: January 9, 2003

Respectfully submitted,

By 

Melissa W. Acosta

Registration No.: 45,872

FULBRIGHT & JAWORSKI L.L.P.

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Houston, Texas 77010-3095

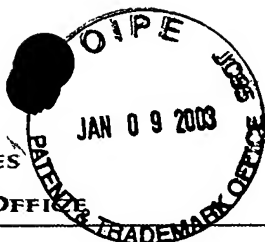
(713) 651-5151

(713) 651-5246 (Fax)

Attorneys for Applicant



UNITED STATES  
PATENT AND  
TRADEMARK OFFICE



Commissioner for Patents  
Washington, DC 20231  
www.uspto.gov

| APPLICATION NUMBER | FILING DATE | FIRST NAMED APPLICANT | ATTY. DOCKET NO./TITLE |
|--------------------|-------------|-----------------------|------------------------|
| 10/089,700         |             | Robert Anderson       | HO-P02416USO           |

CONFIRMATION NO. 2705

Melissa W Acosta  
Fulbright & Jaworski  
1301 McKinney  
Suite 5100  
Houston, TX 77010-3095

**ABANDONMENT/TERMINATION  
LETTER**



\*OC000000009165018\*

Date Mailed: 11/27/2002

**NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)**

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 05/29/2002.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to "Office of Petitions" at (703) 305-9282.

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*A copy of this notice **MUST** be returned with the reply.*

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Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

|  |               |           |                 |                                    |            |        |
|--|---------------|-----------|-----------------|------------------------------------|------------|--------|
| Docket Number  | Country       | Case Type | Relation Type   | Filing Type                        | Filing No. | Status |
| HO-P02416USO   | United States | Regular   | Original Filing | National                           |            | Filed  |
| <<<<<< PARTY INFORMATION >>>>>>                      |               |           |                 |                                    |            |        |
| Client: J. A. Kemp & Co.                             |               |           |                 |                                    |            |        |
| Agent: J. A. Kemp & Co.                              |               |           |                 |                                    |            |        |
| Manage Acty: Thomas D. Paul                          |               |           |                 |                                    |            |        |
| Current Owner:                                       |               |           |                 |                                    |            |        |
| For Associate:                                       |               |           |                 |                                    |            |        |
| Associate:   |               |           |                 |                                    |            |        |
| Previous Owner:                                      |               |           |                 |                                    |            |        |
| <<<<<< TITLE>>>>>>                                   |               |           |                 |                                    |            |        |
| DIAGNOSIS OF COELIAC DISEASE USING A GLIADIN EPITOPE |               |           |                 |                                    |            |        |
| <<<<<< INVENTOR INFORMATION >>>>>>                   |               |           |                 |                                    |            |        |
| Inventor   | Assigned      |           |                 |                                    |            |        |
| <<<<<<<<< ACTION INFORMATION >>>>>>>>>>              |               |           |                 |                                    |            |        |
| Due Date   | Taken         | Deadline  | Completed       | Action                             |            |        |
| 01/02/2001   |               |           |                 | INF DISCLOSURE STMT                |            |        |
| 04/02/2001   |               |           |                 | Foreign filing - 6 month reminder  |            |        |
| 07/02/2001   |               |           |                 | Foreign filing - 9 month reminder  |            |        |
| 09/02/2001   |               |           |                 | Foreign filing - 11 month reminder |            |        |
| 10/02/2001   |               |           |                 | Foreign filing deadline            |            |        |
| 04/01/2002   |               |           | 04/01/2002      | INSTRUCT AGENT                     |            |        |
| <<<<<<<< IMPORTANT DATES/NUMBERS >>>>>>>>            |               |           |                 |                                    |            |        |
| Application Date: 10/02/2000                         |               |           |                 |                                    |            |        |
| Serial No: 10/089,700                                |               |           |                 |                                    |            |        |
| Issue Date:  |               |           |                 |                                    |            |        |
| Patent No:   |               |           |                 |                                    |            |        |
| Publication Date:                                    |               |           |                 |                                    |            |        |
| Publication No:                                      |               |           |                 |                                    |            |        |
| Parent Filing Date: 10/02/2000                       |               |           |                 |                                    |            |        |
| Parent No: PCT/GB00/03760                            |               |           |                 |                                    |            |        |
| Parent Cty: Great Britain                            |               |           |                 |                                    |            |        |
| Total Claims: 000000000                              |               |           |                 |                                    |            |        |
| Ind. Claims: 000000000                               |               |           |                 |                                    |            |        |
| Create Date: 03/26/2002                              |               |           |                 |                                    |            |        |
| Update Date: 08/20/2002                              |               |           |                 |                                    |            |        |
| Updated By: 0591                                     |               |           |                 |                                    |            |        |
| <<<<<<<< SYSTEM GENERATED DATES >>>>>>>>             |               |           |                 |                                    |            |        |
| Tax Base Date:                                       |               |           |                 |                                    |            |        |
| Next Tax Date:                                       |               |           |                 |                                    |            |        |
| Expires:   |               |           |                 |                                    |            |        |

[illegible]

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<<<<<<< DESCRIPTION >>>>>>>
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<<<<<<< USER DEFINED TEXT >>>>>>>>>>>  
 THAT WE FILE A NEW PATENT APPLICATION.  
 AGENT LETTER DATED 03/26/2002 REQUESTING  
 U.K. PATENT APPLICATION NO. 9923306.3 FILED  
 DATE 04/01/2002. PRIORITY CLAIMED:  
 THIS ISA NATIONAL PHASE OF PCT/GB00/03760. CLAIM: SMALL ENTITY STATUS.  
 110/01/1999.

IN THE ABSENCE OF SPECIFIC INSTRUCTIONS TO THE CONTRARY, THIS APPLIC. AND PATENT ARE  
 TO BE KEPT IN FORCE, INCLUSIVE OF PAYMENT OF NECESSARY GOVERNMENT FEES BEFORE OR  
 AFTER GRANT.

371 NATIONAL PHASE APPLICATION FILED 04/01/2002  
 PER DISCUSSION WITH WVA ON 06/17/2002 , POA REC'D FROM CLIENT 06/14/2002.  
 AGENT LTR DATED 07/09/2002, WITH COPIES OF ASSIGNMENT AND DECLARATION DOCUMENTS.  
 (REC'D 07/11/2002).

AGENT LTR DATED 08/16/2002, REQUEST ACKNOWLEDGMENT OF ASSIGNMENT AND  
 DECLARATION (REC'D 08/19/2002).

PCMaster v3.02 - Fulbright & Jaworski - [Patent]

File Edit Records Utilities Help

Docket Number: HO-P02416US0  
Country: United States  
Case Type: Regular  
Relation Type: Original Filing  
Filing Type: National  
Filing Number:   
Billing Atty: Thomas D. Paul  
Working Atty: Melissa W. Acosta  
Working Atty #2:   
Client: J. A. Kemp & Co.  
Agent: J. A. Kemp & Co.  
Agent Ref No.: N.77933B

DIAGNOSIS OF COELIAC DISEASE USING A GLIADIN EPTOPE

| Licenses           | Other No's         | Related Id | Title               | Text        | Assignment | Memo      |
|--------------------|--------------------|------------|---------------------|-------------|------------|-----------|
| Filing Data        | Related Party Info | More       | Actions             | Description | Expenses   | Ext Files |
| Status             | Filed              |            | First Filing Date   | 10/01/1999  |            |           |
| Sub Status         | Pending            |            | Sub Status Date     | 03/26/2002* |            |           |
| Parent Country     | Great Britain      |            | Parent Filing Date  | 10/02/2000  |            |           |
| Parent Number      | PCT/GB00/03760     |            | Parent Issue Date   |             |            |           |
| Total Claims       |                    |            | Ind. Claims/Designs |             |            |           |
| Serial Number      | 10/089,700         |            | Application Date    | 10/02/2000  |            |           |
| Patent Number      |                    |            | Issue Date          |             |            |           |
| Publication Number |                    |            | Publication Date    |             |            |           |
| Assigned           |                    |            | Expiration Date     |             |            |           |
| Convention Type    |                    |            | Tax Base Date       |             |            |           |
| Office Code        | Houston            |            | Next Tax Date       |             |            |           |

Created: 03/26/2002 Updated: 08/20/2002 4:07 PM By: 0591

